

SAGI BARZILAY,)
)
Plaintiff,)
)
vs.) Case No. 4:07CV01781 ERW
)
TAMAR BARZILAY,)
)
Defendant.)

This matter comes before the Court on Defendant Tamar Barzilay's Motion to Lift Stay of State Court Proceedings [doc. #55]. Plaintiff Sagi Barzilay filed a Motion in Opposition to Defendant's Motion [doc. # 60], on May 4, 2009.

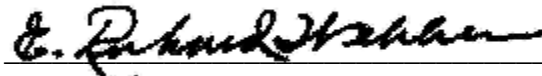
“‘[T]he Hague Convention provides that any state court custody litigation be stayed pending the outcome of the Hague Convention litigation.’” *Rigby v. Damant*, 486 F.3d 692, 693 (1st Cir. 2007) (alteration in original) (quoting *Yang v. Tsui*, 416 F.3d 199, 203 (3d Cir.2005)). Plaintiff has appealed this Court’s decision denying his Petition under the Hague Convention, and it is possible that the Eighth Circuit’s decision will alter the outcome of these proceedings. Thus,

the Court finds that it is necessary to continue the existing stay of the state court proceedings, pending the outcome of the litigation.

Accordingly,

IT IS HEREBY ORDERED that Defendant Tamar Barzilay's Motion to Lift Stay of State Court Proceedings [doc. #55] is **DENIED**.

Dated this 21st Day of May, 2009.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is written over a horizontal line.

E. RICHARD WEBBER
UNITED STATES DISTRICT JUDGE